

THE HONORABLE LAUREN KING

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MATTHEW ADKISSON, an individual,

Plaintiff,

v.

EPIK HOLDINGS, INC., a Washington
Corporation; EPIK INC., a Washington
Corporation; MASTERBUCKS LLC, a
Wyoming company; ROBERT W.
MONSTER, an individual; and BRIAN
ROYCE, an individual,

Defendants

No. 2:23-cv-00495 LK

REPLY IN SUPPORT OF MOTION FOR
ENTRY OF JUDGMENT BY
CONFESSION

**NOTE ON MOTION CALENDAR:
JUNE 25, 2024**

REPLY ISO MOTION FOR ENTRY OF
JUDGMENT (NO. 2:23-CV-495 LK) –

167830238.1

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I. INTRODUCTION

Defendant Robert W. Monster (“Monster”) defaulted on his obligations under the parties’ Settlement Agreement and Consent to Entry of Judgment (the “Settlement Agreement”). Per the terms of the Settlement Agreement, Plaintiff Matthew Adkisson filed the Confession of Judgment executed by Monster and requested that the Court enter judgment by confession in favor of Adkisson. Monster failed to make the payment owed to Adkisson and has failed to respond to Adkisson’s Motion for Entry of Judgment by Confession (the “Motion”). Adkisson therefore requests that the Court grant his Motion.

II. ARGUMENT

Under the parties’ Settlement Agreement, Monster was required to pay Adkisson a total amount of \$100,000.00 by May 31, 2024, with 8% interest accruing from June 1, 2023. Dkt. 29 (Perez Decl.), Ex. 2 (Confession of Judg.), ¶ 3. In the event of default, Monster authorized the Court to enter Judgment against him and in favor of Adkisson for the sum of \$100,000, trebled, in addition to accrued interest from June 1, 2023, for post-judgment interest, and for attorneys’ fees and costs for the underlying litigation and enforcement of the Confession of Judgment. *Id.* Monster executed a Confession of Judgment for such relief. *Id.* Monster did not respond to numerous reminders regarding his payment obligation under the Settlement Agreement, and he defaulted on his obligations. *See* Perez Decl. ¶ 4; Dkt. 28 (Adkisson Decl.) ¶ 3.

Because Monster failed to make payment under the Settlement Agreement, Adkisson filed the Confession of Judgment and moved for its entry requesting judgment in the amount of \$437,505, which includes \$300,000 in principal, \$8,000 in interest, and \$129,505 in attorneys’ fees. After filing, Adkisson served the Motion on Monster by email and mail, and sent a copy by email to his counsel of record in a separate matter.¹ Declaration of Christian Marcelo ¶ 2. Monster

¹ Per the Confession of Judgment, Monster agreed that personal service was not required to enter the Confession of Judgment and only required “five (5) days’ written notice (which may be by email) to Monster or his counsel.” Confession of Judg. ¶ 7.

1 did not respond. Monster's failure to respond is an admission that Adkisson's Motion has merit.
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 3 Local Rules W.D. Wash. LCR 7(b)(2) ("[I]f a party fails to file papers in opposition to a motion,
 4
 5 such failure may be considered by the court as an admission that the motion has merit.").

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 7 Adkisson accordingly requests that the Court enter judgment by confession in the form
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 9 presented by the parties and with this motion. *See* Confession of Judgment; *see also* 28 U.S.C. § 1874;
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 11 *Kyko Glob. Inc v. Prithvi Info. Sols. Ltd*, No. C13-1034 MJP, 2016 WL 4055584, at *2 (W.D.
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 13 Wash. Jan. 12, 2016) (entering confession of judgment in accordance with RCW 4.60.010 *et seq.*),
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 15 *vacated on other grounds*, 2018 WL 4804587 (W.D. Wash. Apr. 23, 2018) (reducing amount of
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 17 judgment); *Eastwest Gold Corp. v. Innovative Repairs, LLC*, No. 3:19-cv-05442-RJB-DWC, Dkt.
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 19 26 (Order Granting Plaintiff's Motion for Judgment) (entering judgment by confession); *E Beats*
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 21 *Music v. Wang Rest. Enters., Inc.*, No. CV-08-0097-FVS, 2008 WL 4643129, at *1 (E.D. Wash.
 22
 23 Oct. 20, 2008) (same); *LOL Finance Co. v. Carrigan*, No. 16-CV-000651 (SRN/TNL), 2016 WL
 24
 25 4154339, at *2 (D. Minn. Aug. 5, 2016) (same).

26 27 III. CONCLUSION

28
 29 For these reasons, Adkisson requests that the Court enter a judgment in the form agreed to
 30
 31 by the parties in the Confession of Judgment, for the total amount of \$437,505.

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 34
 35 I certify that this memorandum contains 566 words, in compliance with the Local Civil
 36
 37 Rules.

1 RESPECTFULLY SUBMITTED this June 21, 2024.
2
3

4 s/ David A. Perez

5 David A. Perez, WSBA No. 43959
6 Christian W. Marcelo, WSBA No. 51193

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CERTIFICATE OF SERVICE

I certify under penalty of perjury that on June 21, 2024, I electronically filed the foregoing REPLY ISO MOTION FOR ENTRY OF JUDGMENT BY CONFESSION with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorney(s) of record:

Andrew Ramiro Escobar
 Meryl Hulteng
 SEYFARTH SHAW LLP (SEA)
 999 THIRD AVE STE 4700
 SEATTLE, WA 98104
 206-946-4910
 aescobar@seyfarth.com
 mhulteng@seyfarth.com

I further certify that I caused service to be made on the following non-CM/ECF participants by the method(s) indicated:

Robert Monster
Pro Se
 3832 234th Ave. SE
 Sammamish, WA 98075
 <rob@monsterventurepartners.com>

☒ Via hand delivery
☒ Via U.S. Mail, 1st Class, Postage Prepaid
☐ Via Overnight Delivery
☐ Via Facsimile
☒ Via Email
☐ Other: _____

DATED this 21st day of June 2024

/s/ Christian W. Marcelo
 Christian W. Marcelo